

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 28, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-33590 - APPLICANT: LV LAND PARTNERS - OWNER:
OEHLER 1992 TRUST**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Mixed-Use Development.
2. Approval of and conformance to the Conditions of Approval for Vacation (VAC-29235) and Site Development Plan Review (SDR-33587) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed mixed-use development. This Special use Permit request has been submitted in conjunction with a related Site Development Plan Review (SDR-33587) for a 16-story mixed-use building consisting of 22,500 square foot of commercial space and 238 residential apartment units. The proposed use will be located on 0.55 acres along the east alignment of 3rd Street, approximately 160 feet south of Charleston Boulevard.

The proposed mixed-use is appropriate for the proposed C-1 (Limited Commercial) zoning district and the Downtown Centennial Plan; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|---|
| 01/15/64 | The Board of City Commissioners approved a request for a reclassification of property (Z-0163-63) from the R-4 (Apartment Residence) zoning district to the C-1 (Limited Commercial) zoning district. The City Planning Commission recommended approval on 01/15/64. |
| 08/17/66 | The Board of City Commissioners approved the petition to Vacate (VAC-11-66) the alley between 3rd and 4th Street in the Boulder Addition, generally located between Charleston Boulevard and 4th Place. NOTE: 4th Place previously consisted of a cul-de-sac, adjacent to the south side of Charleston Boulevard, which has since been vacated. |
| 12/28/04 | Code Enforcement Case #24788 issued for illegal temporary structures (plastic tents located in rear yard) at 1121 South 3rd Street. This case was resolved on 03/22/05. |
| 05/16/07 | The City Council approved a request for a Rezoning (ZON-20507); a Special Use Permit (SUP-20519) for a Mixed Use development; a Site Development Plan Review (SDR-20492) for a Parking Garage; a Site Development Plan Review (SDR-20502) 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units on 2.67 acres at southwest corner of West Charleston Boulevard and South 4 th Street. The Planning Commission and staff recommended approval on 04/26/07 NOTE: These entitlement actions are limited to the property adjacent to the north and east of the proposed site that is subject of this request. |

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|---|---|
| 05/16/07 | The City Council approved the petition to Vacate (VAC-20522) an alley and a public access easement at 300 and 330 East Charleston Boulevard. NOTE: This Vacation expired on 05/16/08. |
| 11/05/08 | The City Council approved the petition to Vacate (VAC-29235) an alley and a public access easement at 300 and 330 East Charleston Boulevard. |
| 04/15/09 | The City Council approved the request for a one-year extension of time (EOT-33725) for an approved Rezoning (ZON-20507); a one-year extension of time (EOT-33724) an approved Special Use Permit (SUP-20519) for a Mixed Use development; a one-year extension of time (EOT-33723) an approved Site Development Plan Review (SDR-20492) for a 1,500 space Parking Garage; and one-year extension of time (EOT-33726) an approved a Site Development Plan Review (SDR-20502) 12-story mixed-use development on 2.67 acres at southwest corner of West Charleston Boulevard and South 4 th Street. NOTE: These entitlement actions are limited to the property adjacent to the north and east of the proposed site that is subject of this request. |
| 05/06/09 | The City Council approved a request to Rezone (ZON-33588) 0.32 acres of property from an R-4 (High Density Residential) zoning district to a C-1 (Limited Commercial) zoning district. The Planning Commission and staff recommended approval. |
| <i>Related Building Permits/Business Licenses</i> | |
| 11/15/83 | Business license (#A07-00691) was issued for apartment rentals at 1113 S. 3rd Street. |
| 09/05/07 | Business license (#Q01-00806) was issued for a real estate agent at 1113 S. 3rd Street. This license is issued under a Home Occupation Permit. |
| <i>Pre-Application Meeting</i> | |
| 02/11/09 | A pre-application meeting was held to discuss the applicant's request for a Rezoning, Special Use Permit, and Site Development Plan Review. The applicant was made aware of outstanding issues regarding the vacated alley adjacent to the north of the subject site that will need to be addressed prior to the review of the Special Use Permit and Site Development Plan Review requests. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required, nor was one held. | |

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| Field Check | |
|--------------------|---|
| 05/07/09 | <p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • There are two small fourplexes and a single-family dwelling each located on a separate lot. • Vehicular access to the existing fourplexes is provided at the rear while access to the single-family dwelling is provided via curb cut located on 3rd Street. • The general condition of the three properties is poor with a deficiency in adequate landscaping and groundcover. • The streetscape along the subject site, consisting of a five-foot wide sidewalk and five-foot wide amenity zone with 25-foot tall Date Palms, is in the process of being constructed by the City of Las Vegas. |

| Details of Application Request | |
|---------------------------------------|------------|
| Site Area | |
| Net Acres | 0.55 acres |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--|-------------------------|--------------------------------|
| Subject Property | Apartment Fourplexes | MXU (Mixed Use) | R-4 (High Density Residential) |
| North | Office | MXU (Mixed Use) | C-1 (Limited Commercial) |
| South | Undeveloped (Proposed Mixed-Use Development SDR-10143) | MXU (Mixed Use) | R-4 (High Density Residential) |
| East | Parking Lot and Office | C (Commercial) | C-1 (Limited Commercial) |
| West | Undeveloped and Office | MXU (Mixed Use) | C-1 (Limited Commercial) |

ANALYSIS

This request for a Special Use Permit is being submitted in conjunction with a requested Site Development Plan Review (SDR-33587) for a proposed 16-story mixed-use development that includes 22,500 square feet of commercial space and 238 residential apartment units.

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Two previous actions, a Vacation (VAC-29235) and Rezoning (ZON-33588), were approved in anticipation of this requested development. The proposed use is located on a site that encompasses three parcels with the proposed building to be built across the lot lines. A condition of approval has been placed on the related Site Development Plan Review (SDR-35588) which will require the remapping into a single-lot subdivision prior to commercial or residential occupancy.

The proposed mixed-use is in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The C-1 (Limited Commercial) zoning district is in compliance with the C (Commercial) land use designation and allows for a mixed-use development upon approval of a Special Use Permit.

This site is within the Live/Work Overlay district. Although this project does not include any live/work units as outlined in Title 19.06.130, the mixed-use nature of the proposed development will offer employment and housing options on-site.

The project area is also located within the Las Vegas Downtown Centennial Plan boundaries, and is within the 18b The Las Vegas Arts District. This district is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed use is consistent with the goals and objectives of the Downtown Centennial Plan.

The bottom two floors are dedicated to commercial space with the remaining upper levels dedicated to residential apartment units. The submitted proposal meets the minimum requirements of approval for a mixed-use use development per Title 19.04. Staff recommends approval of this Special Use Permit as the proposed use has been deemed compatible with the surrounding present and future land use designations.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The design of the development separates the commercial and residential components, and will not impacted the adjacent land uses. The Centennial Plan seeks a broad diversity of uses in the downtown area, and states that integrating a successful residential community adjacent to the Downtown is vital to the success of the area.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

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The proposed subject site can adequately accommodate the anticipated residential units and commercial space, which is contextually appropriate for an urban area. The site has frontage on 3rd Street, which provides easy access to the site, while maintaining cross access to the north and east property. There is adequate separation from the existing buildings on the adjacent properties and the related entitlement for future development to the northeast as described in Site Development Plan Review SDR-20502.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

South 3rd Street will serve as the principal vehicular access point for ingress and egress to the development. Secondary access is provided at the east of the subject site via private drive. There are six bus stops within 700 feet of the subject site, which may assist in reducing the number of vehicle trips generated by the development.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Approval of this requested Special Use Permit is consistent with the General Plan and the objectives of the Downtown Centennial Plan and will not compromise public health, safety, or welfare.

5. The use meets all of the applicable conditions per Title 19.04.

Upon the final approval of this action, this mixed use development proposal will meet all minimum conditions required of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 283

APPROVALS 1

PROTESTS 0